

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA**

<b>ELIZABETH SINES et al.</b>	:	<b>Case No. 3:17-cv-00072</b>
<b>Plaintiff</b>	:	<b>Judge MOON</b>
	:	
-v-		
<b>JASON KESSLER et al.</b>	:	
	:	
<b>Defendants</b>		

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**SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS**

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Defendants Kessler, Damigo, and Identity Evropa propose the following jury instructions in addition to those previously proposed.

**PROPOSED PRELIMINARY JURY INSTRUCTION NO. XX  
Organizations and Conspiracy**

An organization can act only through its agents, officers, or employees. It is not possible under the law for a corporation to conspire with its own agents, officers, or employees. In addition, an organization is not legally responsible for the actions of its agents, officers, or employees if those persons were acting outside the course and scope of the permissions to act the organization had given them.

It is possible for an organization to conspire with its agent, officer, or employee, if that person had an independent, personal stake in the conspiracy. However, the organization must

have acted through a different agent, officer, or employee than the one with an independent, personal stake in the conspiracy in order to so conspire.

It is also possible for the agent, officer, or employee who has an independent, personal stake in the conspiracy to conspire with other persons besides his own organization.

**Authority: Buffalo Wings Factory, Inc. v. Mohd, 622 F. Supp. 2d 325, 335 Eastern District of Virginia (2007).**

**PROPOSED PRELIMINARY JURY INSTRUCTION NO. XX**  
**Protest March through Residential Area**

It is lawful for protestors to march through a residential area, even one whose residents are likely to be especially sensitive to protestors offensive messaging and expressions.

**Authority: Cohen v. California 403 US 15; Village of Skokie v. National Socialist Party of America 373 N.E. 2d 21 (Ill. 1978)**

Respectfully Submitted,

s/ James E. Kolenich  
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Evropa

CERTIFICATE OF SERVICE

I certify the above was served on NOVEMBER 16, 2021 on all ECF participants and that parties requiring service by other means were served as follows: Robert Ray

azzmador@gmail.com Vanguard America c/o Dillon Hopper dillon\_hopper@protonmail.com  
Elliott Kline eli.f.mosley@gmail.com deplorabletruth@gmail.com  
Richardspencer@gmail.com  
Christopher Cantwell delivered in person while in the courtroom

Respectfully Submitted,

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